

MAY 09 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: *H. McDonnell*
DEPUTY CLERK

THOMAS ANTHONY LITTEK,)	Civil Action No. 7:16-cv-00072
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
HAROLD CLARKE, <u>et al.</u> ,)	By: Hon. Jackson L. Kiser
Defendants.)	Senior United States District Judge

Thomas Anthony Littek, a Virginia inmate proceeding pro se, commenced an action pursuant to 42 U.S.C. § 1983 against a number of current and former staff of the Virginia Department of Corrections and Pocahontas Correctional Center. Plaintiff alleged that defendants' failures to provide him dental treatment and dentures violated the Eighth Amendment of the United States Constitution. Plaintiff also filed motions for a preliminary injunction, to which I referred to United States Magistrate Judge Pamela M. Sargent in accordance with 28 U.S.C. § 636(b)(1)(B).

After conducting an evidentiary hearing, Judge Sargent issued a report and recommendation on April 15, 2015, recommending that I deny the motions for a preliminary injunction. Judge Sargent concluded that Plaintiff failed to show that: defendants denied him necessary medical care; he is suffering from a serious medical need; he is likely to succeed on his Eighth Amendment claim; and he is likely to suffer irreparable injury without a preliminary injunction.

Plaintiff has filed objections to the report and recommendation. Plaintiff argues that Judge Sargent misapplied the legal standards for a preliminary injunction set forth in Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008), and he characterizes the

testimonies from defendants' witnesses as misleading. After reviewing Plaintiff's objections, the report and recommendation, and pertinent portions of the record de novo, I agree with Judge Sargent's recommendation. Accordingly, Plaintiff's objections are **OVERRULED**, the report and recommendation is **ADOPTED** in its entirety, and Plaintiff's motions for a preliminary injunction are **DENIED**.

The Clerk shall send copies of this Order to the parties.

It is so **ORDERED**.

ENTER: This 9th day of May, 2016.



Senior United States District Judge